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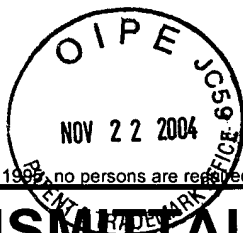
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/526,754	
	Filing Date	03/16/2000	
	First Named Inventor	Brett A. Hurt, et al.	
	Group Art Unit	3622	
	Examiner Name	DURAN, Arthur D.	
Total Number of Pages in This Submission		Attorney Docket Number	COREMET-001

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 170.00

Complete if Known

Application Number	09/526,754
Filing Date	March 16, 2000
First Named Inventor	Brett A. Hurt, et al.
Examiner Name	Duran, Arthur D.
Art Unit	3622
Attorney Docket No.	COREMET-001

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1001 790	2001 395	Utility filing fee	
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1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

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Total Claims	-20** =	X	
Independent Claims	- 3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

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1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
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1402 340	2402 170	Filing a brief in support of an appeal	170.00
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
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1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
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Name (Print/Type)	Jeffrey G. Toler	Registration No. (Attorney/Agent)	38,342	Telephone	512-327-5515
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): **Brett A. Hurt, et al.**

Title: **ELECTRONIC COMMERCE PERSONALIZED CONTENT DELIVERY SYSTEM
AND METHOD OF OPERATION**

App. No.: **09/526,754**

Filed: **03/16/2000**

Examiner: **DURAN, Arthur D.**

Group Art Unit: **3622**

Atty. Dkt. No.: **COREMET-001**

Confirmation No.: **1157**

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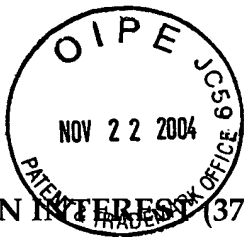
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BRIEF IN SUPPORT OF APPEAL

Jeffrey G. Toler; Reg. No. 38,342
Attorney for Applicants
TOLER, LARSON & ABEL, LLP
5000 Plaza on the Lake, Suite 265
(512) 327-5515
(512) 327-5452 (fax)

11/24/2004 AWONDAF1 00000038 502469 09526754

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I. REAL PARTY IN INTEREST (37 C.F.R. §1.192(C)(L))

The Real Party in Interest in the present Appeal is Coremetrics, Inc., the assignee, of patent application 09/526,754, as evidenced by the assignment set forth at Reel 010699, Frame 0137.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 1.192(C)(2))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, Applicants are not aware of any such appeals or interferences.

III. STATUS OF CLAIMS (37 C.F.R. §1.192(c)(3))

A. Total Number of Claims in Application

There are 36 claims pending in the application (claims 1-36).

B. Status of All the Claims

According to paragraph 1 of the Office Action dated 7/14/04 it appears that the Examiner has admitted that the prior amendment was sufficient to overcome all of the references in the Office Action. However, the Examiner continues, stating that Claims 1-36 stand finally rejected as noted in paragraph 2 of the Office Action dated July 14 2004. Should Claims 1-36 be rejected, those rejections are hereby appealed. There are no canceled claims.

C. Claims on Appeal

There are 36 claims on appeal (claims 1-36).

IV. STATUS OF AMENDMENTS (37 C.F.R. §192(C)(4))

The claims hereby Appealed are based on the Amendment filed May 28, 2004. No amendment was offered or entered after the Final Office Action.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(C)(1)(V))

The subject matter of Claim 1 can be summarized as follows:

A system for providing personalized content to a customer. The system comprises computer code, (personalized content delivery code) that is downloaded to a customer that causes a computer to retrieve an identity of the customer if saved on the customer computer and to create an identity of the customer if the identity is not saved on the customer computer. The system retrieves a session ID if saved on the customer computer and creates a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired and identifies personalized content to be displayed to the customer. Claim 1 finds support on at least page 26, line 6- page 29, line 1 of the specification; at Figure 2, reference characters 200-242; and at the logic diagram of Figure 4, specifically reference characters 402-430.

The subject matter of Claim 10 can be summarized as follows:

A method for providing personalized content to an e-commerce customer, the method comprising receiving a query from a customer computer via a data network. The query includes the identity of a client, the identity of the e-commerce customer, and a session ID. The query is produced by personalized content delivery code executed by the customer computer that caused the customer computer to retrieve an identity of the e-commerce customer if saved on the customer computer, to create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer, to retrieve a session ID if saved on the customer computer, to create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired, and to send the query to a content management server that includes the identity of the client, the identity of the e-commerce

customer, and the session ID, identifying personalized content to be displayed to the e-commerce customer on the customer computer. The personalized content has been identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID. A response is returned to the customer computer via the data network that identifies the personalized content. Claim 10 finds support in at least page 26, lines 6-page 29, line 1 of the specification, and in the logic diagram of Figure 4 specifically, reference characters 402-430.

The subject matter of Claim 17 can be summarized as follows:

A downloadable web page stored on a client web server. The downloadable web page has at least one image to be displayed on a customer computer of an e-commerce customer and personalized content delivery code to be executed by the customer computer that causes the customer computer to retrieve an identity of the e-commerce customer if saved on the customer computer, to create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer, to retrieve a session ID if saved on the customer computer, to create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired, and to send a query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID. Claim 17 finds support in at least page 26, line 6-page 29, line 1 of the specification, and in the logic diagram of Figure 4 specifically, reference characters 402-430.

The subject matter of Claim 21 can be summarized as follows:

A content management server that supports personalized content delivery. The content management server comprises a processor, a memory coupled to the processor, a user interface coupled to the processor, and a network interface coupled to the processor that supports data transmission with a coupled data network. The memory stores executable code that comprises, a plurality of instructions that, upon execution by the processor, cause the content management server to receive a query from a customer computer via the data

network. The query includes the identity of a client, the identity of the e-commerce customer, and a session ID. The query is produced by personalized content delivery code executed by the customer computer that caused the customer computer to retrieve an identity of the e-commerce customer if saved on the customer computer, to create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer, to retrieve a session ID if saved on the customer computer, to create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired, and to send the query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID. The executable code further comprises a plurality of instructions that, upon execution by the processor, cause the content management server to identify personalized content to be displayed to an e-commerce customer on the customer computer, wherein the personalized content has been identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID; and a plurality of instructions that, upon execution by the processor, cause the content management server to return a response to the customer computer via the data network that identifies the personalized content. Claim 21 finds support in at least page 26, line 6-page 29, line 1 of the specification, Figure 2, reference characters 200-242, the logic diagram of Figure 4, specifically reference characters 402-430.

The subject matter of Claim 26 can be summarized as follows:

A computer readable medium that stores executable code that, when executed by a server computer, causes the server computer to provide personalized content to an e-commerce customer. The executable code has a plurality of instructions that, upon execution by the server computer, cause the server computer to receive a query from a customer computer via a data network. The query includes the identity of a client, the identity of the e-commerce customer, and a session ID. The query is produced by personalized content delivery code executed by the customer computer that caused the customer computer to, retrieve an identity of the e-commerce customer if saved on the customer computer, create an identity of the e-commerce customer if the identity of the e-

commerce customer is not saved on the customer computer, retrieve a session ID if saved on the customer computer, create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired, and send the query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID. The executable code includes a plurality of instructions that, upon execution by the server computer, cause the server computer to identify personalized content to be displayed to an e-commerce customer on the customer computer. The personalized content is identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID. The executable code includes a plurality of instructions that, upon execution by the server computer, cause the server computer to return a response to the customer computer via the data network that identifies the personalized content. Claim 26 finds support in at least page 26, line 6-page 29, line 1 of the specification, and in the logic diagram of Figure 4 specifically reference characters 402-430.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. § 41.37(C)(1)(VI))

Claims 1- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811) in view of Gerace (5,848,396) and in further view of Dedrick (5,724,521).

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811) in view of Gerace (5,848,396) in further view of Dedrick (5,724,521) and in further view of Courts (6,480,894).

VII. ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii))

Claims 1, 2, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, 20, 21, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, and 36 are argued separately. Based on the arguments and issues below, none of the claims stand or fall together. In addition to having different scopes, each of the claims present a unique set of issues relating to this appeal as described in the arguments below. Applicants respectfully appeal each of the rejections applied against all claims now pending on appeal.

A. CLAIM 1 IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE CITED REFERENCES.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all** of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, MPEP 706.02, 947 F.2d 1438, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

To reject a claim under 35 U.S.C. § 103(a) the United States Patent and Trademark Office (USPTO) is required to meet the three basic requirements

above. In the present case **the USPTO has failed to meet any of these three requirements.**

First, there is no suggestion in the Angles, Gerace, and Dedrick references or in the knowledge generally available to one of ordinary skill in the art to modify or combine the cited references. Second, there is no reasonable expectation of success when combining the cited references. Third, the USPTO has not cited prior art that teaches **all** of the elements in the claimed invention.

None of the cited references teach or suggest the specific combination of claim 1. For example, none of the cited references teach or suggest a personalized content delivery code that is included in a downloaded web page and that, upon execution by the customer computer: (a) retrieves a session ID if saved on the customer computer; (b) creates a session ID: if the session ID is not saved on the customer computer: or if the session ID that is saved on the customer computer is expired; and (c) sends a query to a content management server that includes. . . . the session ID.

The USPTO admits “Angles does not explicitly disclose that the consumer’s computer session can be tracked over a specific time period or the utilization of a session ID to track specific user sessions” and “Angles does not explicitly disclose a session ID.” Final Office Action (“FOA”) dated 07/14/04, at page 3, lines 18-19 and at page 5, line 11.

In an attempt to address the deficiencies of Angles, the USPTO cites Gerace and again admits “Gerace does not explicitly disclose that the session ID is generated or stored on the customer computer.” FOA, page 5. A further review of Gerace reveals that Gerace teaches away from claim 1, since Gerace discloses a session ID **on a server 27, not created or saved on a customer computer,** as claimed by Appellant. More specifically, Gerace teaches the creation of a User Session Object 37d by a program 31 resident **on the server 27.** Gerace, col. 6, line 46 - col. 7, line 23. Gerace also fails to disclose a method or system to determine if a session ID exists and to create the session ID (creation if the session ID is not saved on the customer computer or if the Session ID on the customer computer

has expired). Gerace further fails to teach or suggest communicating a session ID from a customer computer to a content management server using a query message, as recited by Appellant's claim 1.

In an attempt to address the admitted deficiencies of Angles and Gerace, the USPTO cites Dedrick as teaching a downloadable code which processes a session ID in Fig. 2, and at col. 6, lines 32; col. 8, line 40; col. 8, lines 1-5.

Appellants disagree with the USPTO's submission that Dedrick discloses downloadable code that creates and communicates a session ID as claimed by Appellant. **Appellants' session ID is a data element that may be saved, may expire, and can be communicated to a content management server with a query message. In contrast, the session manager of Dedrick is executable software which "manages a secession or a process." The session ID of claim 1 is simply not taught by the session manager software of Dedrick. Further, the session manager software of Dedrick is resident software that is not created, does not expire, and is not communicated to another computer.**

Dedrick discloses four (4) different session managers wherein each session manager is a software interface that controls data transfer and information flow to and from other software system components. See Dedrick, Figures 2, 3, 4 and 5, session managers 29, 38, 56 and 78, and the descriptions of the session managers at Dedrick, col. 6, lines 55-56; col. 6, lines 64-67; col. 12 line 24; and col. 14 line 37.

In summary the session managers in Dedrick are software programs that interface with other computer software components. The session managers of Dedrick are not data elements that can expire, that can be created, or that are communicated to other computers. Thus, Dedrick *DOES NOT* disclose downloading executable code to create a session ID. Further, Dedrick *DOES NOT* disclose a system or software to receive or create, store and send a session ID to a content management server, as recited by claim 1. Thus, the combination of Angles, Gerace, and Dedrick does not teach or suggest the invention of claim 1. The references also

fail to disclose the creation or use of a session ID on a customer computer by the execution of content delivery code that is included in a downloaded web page, as recited by Claim 1. Further, there cannot be a reasonable expectation of success when combining the references since none of the cited references, alone or in combination, teach or suggest the features of claim 1. Thus, claim 1 is allowable over the cited references.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all of the claim limitations, MPEP Sec. 2142. In this case, the Examiner has not provided a *prima facie* case of obviousness. If examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more, Applicants are entitled to a grant of the patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

Additionally, the USPTO has not provided a legitimate motivation or suggestion for combining the Angeles, Gerace, and Dedrick references. The USPTO suggests relocating the session ID of the server 27 of Gerace into the functionality of the executable code of Angeles and to combine this “combination” with one of the session managers of Dedrick. As the Federal Circuit stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998):

[A]n examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’ *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1457-1458. [T]he examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references

for combination in the manner claimed. The [Examiner must] explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. (Emphasis added).

The USPTO has failed to describe reasons why the selected portions of the cited references would be assembled together and has failed to provide technological principles to suggest a coherent combination of the cited references. Further, the USPTO is expressly prohibited from combining Angles, Gerace, and Dedrick using claim 1 as a blueprint. The elements of claim 1, such as a downloadable personal content code that retrieves, creates and communicates a session ID are not disclosed, taught, or suggested by the cited references. Since independent claim 1 is allowable, dependent claims 2-9 are likewise allowable. For at least the foregoing reasons, independent claim 1 and dependent claims 2-9 are allowable. Appellant respectfully submits that the rejection of claims 1-9 under 35 U.S.C. § 103 is improper and that claims 1-9 are in condition for allowance.

B. CLAIM 2 IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 2 provides at least one additional feature not disclosed or suggested by the cited references. Claim 2 recites that the query also includes a secondary identifier that relates to the client, and the content management server uses the secondary identifier to identify the personalized content. None of the cited references teaches or suggests a query with a secondary identifier, as in claim 2. For at least these reasons, claim 2 is also allowable over the cited references and should be allowed.

C. CLAIM 5 IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 5 provides at least one additional feature not disclosed/suggested in the cited references. Claim 5 provides a content management server that identifies personalized content via a table lookup operation in which the identity of the e-commerce customer serves as

an index. The cited references do not disclose or suggest a content management server identifying personalized content via a table. For at least these reasons, claim 5 is allowable over the cited references and should be allowed.

D. CLAIM 6 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 6 provides at least one additional feature not disclosed/suggested in the cited references. Claim 6 provides a data aggregation server that receives e-commerce customer information corresponding to the query from the content management server. The e-commerce customer information includes the identity of the client, the identity of the e-commerce customer and the identity of the personalized content.

Regarding claim 6, the USPTO has stated “One would have been motivated to do this (combine Gerace and Angeles) in order to allow Angeles to send appropriate content, based upon the capabilities or limitations of the client computer.”

Appellants disagree. The USPTO has failed to describe the pertinent components of the references, how the parts of the cited references could be assembled together and what technological principles suggest the combination of the references. The cited references do not disclose/suggest the elements of claim 6. For at least these reasons, claim 6 is allowable over the cited references and should be allowed.

E. CLAIM 7 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 7 provides at least one additional feature not disclosed or suggested in the cited references. Claim 7 recites a personalization/segmentation database that is coupled to the data aggregation server. The personalization/segmentation database stores e-commerce customer information for a plurality of e-commerce customers. The cited references do not disclose/suggest the personalization/segmentation database coupled to the data aggregation server elements of claim 7. For at least these reasons, claim 7 is allowable over the cited references and should be allowed.

F. CLAIM 8 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 8 provides at least one additional feature not disclosed/suggested in the cited references. Claim 8 provides a content management interface server that is coupled to the personalization/segmentation database and to the content management server, wherein the content management interface server supports the association of personalized content to segments of e-commerce customers, wherein the content management interface server creates an association of personalized content with the segments of e-commerce customers, and wherein the content management interface server downloads the association of personalized content with the segments of e-commerce customers to the content management server. The cited references do not disclose/suggest the elements of claim 8. For at least these reasons, claim 8 is allowable over the cited references and should be allowed.

G. CLAIM 9 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 9 provides at least one additional feature not disclosed or suggested in the cited references. Claim 9 provides a content management server that comprises a plurality of separate server computers, each of which services a particular set of queries, and the system further comprises a load balancing server coupled to the plurality of separate server computers and to the data network, wherein the load balancing server routes queries to the plurality of separate server computers. The cited references do not disclose/suggest the elements of claim 9. For at least these reasons, claim 9 is allowable over the cited references and should be allowed.

H. CLAIM 10 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all** of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, MPEP 706.02, 947 F.2d 1438, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

To reject a claim under 35 U.S.C. § 103(a) the United States Patent and Trademark Office (USPTO) is required to meet the three basic requirements above. In the present case **the USPTO has failed to meet any of these three requirements.**

First, there is no suggestion in the Angles, Gerace, and Dedrick references or in the knowledge generally available to one of ordinary skill in the art to modify or combine the cited references. Second, there is no reasonable expectation of success when combining the cited references. Third, the USPTO has not cited prior art that teaches **all** of the elements in the claimed invention.

None of the cited references teach or suggest the specific combination of claim 10. For example, none of the cited references teach or suggest (a) retrieving a session ID if saved on the customer computer; (b) creating a session ID: if the session ID is not saved on the customer computer: or if the session ID that is saved on the customer computer is expired; and (c) sending a query to a content management server that includes. . . . the session ID.

The USPTO admits "Angles does not explicitly disclose that the consumer's computer session can be tracked over a specific time period or the utilization of a session ID to track specific user sessions" and "Angles does not explicitly disclose a session ID." Final Office Action ("FOA") dated 07/14/04, at page 3, lines 18-19 and at page 5, line 11.

In an attempt to address the deficiencies of Angles, the USPTO cites Gerace and again admits “Gerace does not explicitly disclose that the session ID is generated or stored on the customer computer.” FOA, page 5. A further review of Gerace reveals that Gerace teaches away from claim 10, since Gerace discloses a session ID **on a server 27, not created or saved on a customer computer,** as claimed by Appellant. More specifically, Gerace teaches the creation of a User Session Object 37d by a program 31 resident **on the server 27.** Gerace, col. 6, line 46 - col. 7, line 23. Gerace also fails to disclose a method or system to determine if a session ID exists and to create the session ID (creation if the session ID is not saved on the customer computer or if the Session ID on the customer computer has expired). Gerace further fails to teach or suggest communicating a session ID from a customer computer to a content management server using a query message, as recited by Appellant’s claim

In an attempt to address the admitted deficiencies of Angles and Gerace, the USPTO cites Dedrick as teaching a downloadable code which processes a session ID in Fig. 2, and at col. 6, lines 32; col. 8, line 40; col. 8, lines 1-5.

Appellants disagree with the USPTO’s submission that Dedrick discloses downloadable code that creates and communicates a session ID as claimed by Appellant. **Appellants’ session ID is a data element that may be saved, may expire, and can be communicated to a content management server with a query message. In contrast, the session manager of Dedrick is executable software which “manages a secession or a process.” The session ID of claim 10 is simply not taught by the session manager software of Dedrick. Further, the session manager software of Dedrick is resident software that is not created, does not expire, and is not communicated to another computer.**

In summary the session managers in Dedrick are software programs that interface with other computer software components. The session managers of Dedrick are not data elements that can expire, that can be created, or that are communicated to other computers. Thus, Dedrick ***DOES NOT*** disclose downloading executable

code to create a session ID. Further, Dedrick **DOES NOT** disclose a system or software to receive or create, store and send a session ID to a content management server, as recited by claim 10. Thus, the combination of Angeles, Gerace, and Dedrick does not teach or suggest the invention of claim 10. Further, there cannot be a reasonable expectation of success when combining the references since none of the cited references, alone or in combination, teach or suggest the features of claim 10. Thus, claim 10 is allowable over the cited references.

Additionally, the USPTO has not provided a legitimate motivation or suggestion for combining the Angeles, Gerace, and Dedrick references. The USPTO suggests relocating the session ID of the server 27 of Gerace into the functionality of the executable code of Angeles and to combine this “combination” with one of the session managers of Dedrick. As the Federal Circuit stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998).

The USPTO has failed to describe reasons why the selected portions of the cited references would be assembled together and has failed to provide technological principles to suggest a coherent combination of the cited references. Since independent claim 10 is allowable, dependent claims 11-16 are likewise allowable. For at least the foregoing reasons, independent claim 10 and dependent claims 11-16 are allowable. Appellant respectfully submits that the rejection of claims 11-16 under 35 U.S.C. § 103 is improper and that claims 10-16 are in condition for allowance.

I. CLAIM 14 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claims 1 and 10, claim 14 provides at least one additional feature not disclosed/suggested in the cited references. Claim 14 recites personalized content code which performs a lookup operation with which the identity of the e-commerce customer serves as an index. None of the cited references disclose/suggest personalized content code performing a look up operation using the customer identification as is claimed by Appellant in claim

14. For at least these reasons, Claim 14 is allowable over the cited references and should be allowed.

J. CLAIM 15 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claims 1 and 10, claim 15 provides at least one additional feature not disclosed/suggested in the cited references.

Claim 15 provides the additional feature of generating an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content; and storing the e-commerce customer information for future reference. The USPTO has stated “One would have been motivated to do this (combine Gerace and Angeles) in order to allow Angeles to send appropriate content, based upon the capabilities or limitations of the client computer.” Again, the USPTO has not found all of the claim elements of claim 15, and the USPTO has failed to describe how the parts of the references could be assembled together to create records upon a query and what technological principles suggest the combination of the references. The cited references do not disclose/suggest the elements of claim 15. For at least these reasons, claim 15 is allowable over the cited references.

K. CLAIM 17 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on

applicant's disclosure. *In re Vaeck*, MPEP 706.02, 947 F.2d 1438, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

To reject a claim under 35 U.S.C. § 103(a) the United States Patent and Trademark Office (USPTO) is required to meet the three basic requirements above. In the present case **the USPTO has failed to meet any of these three requirements.**

First, there is no suggestion in the Angles, Gerace, and Dedrick references or in the knowledge generally available to one of ordinary skill in the art to modify or combine the cited references. Second, there is no reasonable expectation of success when combining the cited references. Third, the USPTO has not cited prior art that teaches **all** of the elements in the claimed invention.

None of the cited references teach or suggest the specific combination of claim 17. For example, none of the cited references teach or suggest a downloadable web page including a personalized content delivery code that causes the customer computer to (a) retrieve a session ID if saved on the customer computer; (b) create a session ID; if the session ID is not saved on the customer computer; or if the session ID that is saved on the customer computer is expired; and (c) send a query to a content management server that includes. . . . the session ID.

The USPTO admits "Angles does not explicitly disclose that the consumer's computer session can be tracked over a specific time period or the utilization of a session ID to track specific user sessions" and "Angles does not explicitly disclose a session ID." Final Office Action ("FOA") dated 07/14/04, at page 3, lines 18-19 and at page 5, line 11.

In an attempt to address the deficiencies of Angles, the USPTO cites Gerace and again admits "Gerace does not explicitly disclose that the session ID is generated or stored on the customer computer." FOA, page 5. A further review of Gerace reveals that Gerace teaches away from claim 17, since Gerace discloses a session ID **on a server 27, not created or saved on a customer computer,** as claimed

by Appellant. More specifically, Gerace teaches the creation of a User Session Object 37d by a program 31 resident on the server 27. Gerace, col. 6, line 46 - col. 7, line 23. Gerace also fails to disclose a method or system to determine if a session ID exists and to create the session ID (creation if the session ID is not saved on the customer computer or if the Session ID on the customer computer has expired). Gerace further fails to teach or suggest communicating a session ID from a customer computer to a content management server using a query message, as recited by Appellant's claim

In an attempt to address the admitted deficiencies of Angles and Gerace, the USPTO cites Dedrick as teaching a downloadable code which processes a session ID in Fig. 2, and at col. 6, lines 32; col. 8, line 40; col. 8, lines 1-5.

Appellants disagree with the USPTO's submission that Dedrick discloses downloadable code that creates and communicates a session ID as claimed by Appellant. **Appellants' session ID is a data element that may be saved, may expire, and can be communicated to a content management server with a query message. In contrast, the session manager of Dedrick is executable software which "manages a secession or a process." The session ID of claim 17 is simply not taught by the session manager software of Dedrick. Further, the session manager software of Dedrick is resident software that is not created, does not expire, and is not communicated to another computer.**

In summary the session managers in Dedrick are software programs that interface with other computer software components. The session managers of Dedrick are not data elements that can expire, that can be created, or that are communicated to other computers. Thus, Dedrick *DOES NOT* disclose downloading executable code to create a session ID. Further, Dedrick *DOES NOT* disclose a system or software to receive or create, store and send a session ID to a content management server, as recited by claim 17. Thus, the combination of Angles, Gerace, and Dedrick does not teach or suggest the invention of claim 17. The references also fail to disclose the creation or use of a session ID on a customer computer by the

execution of content delivery code that is included in a downloaded web page, as recited by claim 17. Further, there cannot be a reasonable expectation of success when combining the references since none of the cited references, alone or in combination, teach or suggest the features of claim 17. Thus, claim 17 is allowable over the cited references.

Additionally, the USPTO has not provided a legitimate motivation or suggestion for combining the Angeles, Gerace, and Dedrick references. The USPTO suggests relocating the session ID of the server 27 of Gerace into the functionality of the executable code of Angeles and to combine this “combination” with one of the session managers of Dedrick. As the Federal Circuit stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998).

The USPTO has failed to describe reasons why the selected portions of the cited references would be assembled together and has failed to provide technological principles to suggest a coherent combination of the cited references. Since independent claim 17 is allowable, dependent claims 18-20 are likewise allowable. For at least the foregoing reasons, independent claim 17 and dependent claims 18-20 are allowable. Appellant respectfully submits that the rejection of claims 17-20 under 35 U.S.C. § 103 is improper and that claims 17-20 are in condition for allowance.

L. CLAIM 18 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 17, claim 18 provides at least one additional feature not disclosed/suggested in the cited references. Claim 18 recites that upon execution, the personalized content delivery code further causes the customer computer to receive a response from the content management server that includes the address of personalized content, retrieve the personalized content, and, present the personalized content on the customer computer. None of the cited references teach or suggest such processing of personalized content. For

at least these reasons, claim 18 is allowable over the cited references and should be allowed.

M. CLAIM 20 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 17, claim 20 provides at least one additional feature not disclosed/suggested in the cited references. Claim 20 provides additional feature wherein the personalized content comprises an executable file to be executed by the customer computer. The cited references do not disclose/suggest executable files downloaded to the customer computer and executable by the computer. For at least these reasons, claim 20 is allowable over the cited references and should be allowed.

N. CLAIM 21 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all** of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, MPEP 706.02, 947 F.2d 1438, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

To reject a claim under 35 U.S.C. § 103(a) the United States Patent and Trademark Office (USPTO) is required to meet the three basic requirements above. In the present case **the USPTO has failed to meet any of these three requirements.**

First, there is no suggestion in the Angles, Gerace, and Dedrick references or in the knowledge generally available to one of ordinary skill in the art to modify or

combine the cited references. Second, there is no reasonable expectation of success when combining the cited references. Third, the USPTO has not cited prior art that teaches **all** of the elements in the claimed invention.

None of the cited references teach or suggest the specific combination of claim 21. For example, none of the cited references teach or suggest a personalized content delivery code that causes the customer computer to (a) retrieve a session ID if saved on the customer computer; (b) create a session ID: if the session ID is not saved on the customer computer: or if the session ID that is saved on the customer computer is expired; and (c) send a query to a content management server that includes. . . . the session ID.

The USPTO admits “Angles does not explicitly disclose that the consumer’s computer session can be tracked over a specific time period or the utilization of a session ID to track specific user sessions” and “Angles does not explicitly disclose a session ID.” Final Office Action (“FOA”) dated 07/14/04, at page 3, lines 18-19 and at page 5, line 11.

In an attempt to address the deficiencies of Angles, the USPTO cites Gerace and again admits “Gerace does not explicitly disclose that the session ID is generated or stored on the customer computer.” FOA, page 5. A further review of Gerace reveals that Gerace teaches away from claim 21, since Gerace discloses a session ID on a server 27, not created or saved on a customer computer, as claimed by Appellant. More specifically, Gerace teaches the creation of a User Session Object 37d by a program 31 resident on the server 27. Gerace, col. 6, line 46 - col. 7, line 23. Gerace also fails to disclose a method or system to determine if a session ID exists and to create the session ID (creation if the session ID is not saved on the customer computer or if the Session ID on the customer computer has expired). Gerace further fails to teach or suggest communicating a session ID from a customer computer to a content management server using a query message, as recited by Appellant’s claim

In an attempt to address the admitted deficiencies of Angles and Gerace, the USPTO cites Dedrick as teaching a downloadable code which processes a session ID in Fig. 2, and at col. 6, lines 32; col. 8, line 40; col. 8, lines 1-5.

Appellants disagree with the USPTO's submission that Dedrick discloses downloadable code that creates and communicates a session ID as claimed by Appellant. **Appellants' session ID is a data element that may be saved, may expire, and can be communicated to a content management server with a query message. In contrast, the session manager of Dedrick is executable software which "manages a secession or a process." The session ID of claim 21 is simply not taught by the session manager software of Dedrick. Further, the session manager software of Dedrick is resident software that is not created, does not expire, and is not communicated to another computer.**

In summary the session managers in Dedrick are software programs that interface with other computer software components. The session managers of Dedrick are not data elements that can expire, that can be created, or that are communicated to other computers. Thus, Dedrick *DOES NOT* disclose downloading executable code to create a session ID. Further, Dedrick *DOES NOT* disclose a system or software to receive or create, store and send a session ID to a content management server, as recited by claim 21. Thus, the combination of Angles, Gerace, and Dedrick does not teach or suggest the invention of claim 21. Further, there cannot be a reasonable expectation of success when combining the references since none of the cited references, alone or in combination, teach or suggest the features of claim 21. Thus, claim 21 is allowable over the cited references.

Additionally, the USPTO has not provided a legitimate motivation or suggestion for combining the Angeles, Gerace, and Dedrick references. The USPTO suggests relocating the session ID of the server 27 of Gerace into the functionality of the executable code of Angles and to combine this "combination" with one of the session managers of Dedrick. As the Federal Circuit stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998).

The USPTO has failed to describe reasons why the selected portions of the cited references would be assembled together and has failed to provide technological principles to suggest a coherent combination of the cited references. Since independent claim 21 is allowable, dependent claims 22-25 are likewise allowable. For at least the foregoing reasons, independent claim 21 and dependent claims 22-25 are allowable. Appellant respectfully submits that the rejection of claims 21-25 under 35 U.S.C. § 103 is improper and that claims 21-25 are in condition for allowance.

O. CLAIM 23 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 21, claim 23 provides at least one additional feature not disclosed/suggested in the cited references. Claim 23 provides additional feature wherein the personalized content comprises an image to be displayed to the e-commerce customer on the customer computer. In accordance with the arguments presented above, the cited references do not disclose/suggest the elements of claim 23. For at least these reasons, claim 23 is allowable over the cited references and should be allowed.

P. CLAIM 24 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 21, claim 24 provides at least one additional feature not disclosed/suggested in the cited references. Claim 24 provides the additional feature wherein the personalized content comprises an executable file to be executed by the customer computer. In accordance with the arguments presented above with regard to claim 21, the cited references do not disclose/suggest the elements of claim 24. For at least these reasons, claim 24 is allowable over the cited references and should be allowed.

Q. CLAIM 25 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 21, claim 25 provides at least one additional feature not disclosed/suggested in the cited references. Claim 25

provides the additional feature of the executable code further comprises, a plurality of instructions that, upon execution by the processor, cause the content management server to generate an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content, and a plurality of instructions that, upon execution by the processor, cause the content management server to store the e-commerce customer record for future reference. The Examiner has stated “One would have been motivated to do this (combine Gerace and Angeles) in order to allow Angeles to send appropriate content, based upon the capabilities or limitations of the client computer.” Again, the Examiner has failed to describe how the parts of the references could be assembled together and what technological principles suggest the combination of the references. In accordance with the arguments presented above with regard to claim 21 the cited references do not disclose/suggest the elements of claim 25. For at least these reasons, claim 25 is allowable over the cited references and should be allowed.

R. CLAIM 26 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all** of the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, MPEP 706.02, 947 F.2d 1438, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

To reject a claim under 35 U.S.C. § 103(a) the United States Patent and Trademark Office (USPTO) is required to meet the three basic requirements

above. In the present case **the USPTO has failed to meet any of these three requirements.**

First, there is no suggestion in the Angles, Gerace, and Dedrick references or in the knowledge generally available to one of ordinary skill in the art to modify or combine the cited references. Second, there is no reasonable expectation of success when combining the cited references. Third, the USPTO has not cited prior art that teaches **all** of the elements in the claimed invention.

None of the cited references teach or suggest the specific combination of claim 26. For example, none of the cited references teach or suggest a **personalized content delivery code that causes the customer computer to (a) retrieve a session ID if saved on the customer computer; (b) create a session ID: if the session ID is not saved on the customer computer: or if the session ID that is saved on the customer computer is expired; and (c) send a query to a content management server that includes. . . . the session ID.**

The USPTO admits “Angles does not explicitly disclose that the consumer’s computer session can be tracked over a specific time period or the utilization of a session ID to track specific user sessions” and “Angles does not explicitly disclose a session ID.” Final Office Action (“FOA”) dated 07/14/04, at page 3, lines 18-19 and at page 5, line 11.

In an attempt to address the deficiencies of Angles, the USPTO cites Gerace and again admits “Gerace does not explicitly disclose that the session ID is generated or stored on the customer computer.” FOA, page 5. A further review of Gerace reveals that Gerace teaches away from claim 26, since Gerace discloses a session ID **on a server 27, not created or saved on a customer computer,** as claimed by Appellant. More specifically, Gerace teaches the creation of a User Session Object 37d by a program 31 resident **on the server 27.** Gerace, col. 6, line 46 - col. 7, line 23. Gerace also fails to disclose a method or system to determine if a session ID exists and to create the session ID (creation if the session ID is not saved on the customer computer or if the Session ID on the customer computer

has expired). Gerace further fails to teach or suggest communicating a session ID from a customer computer to a content management server using a query message, as recited by Appellant's claim

In an attempt to address the admitted deficiencies of Angles and Gerace, the USPTO cites Dedrick as teaching a downloadable code which processes a session ID in Fig. 2, and at col. 6, lines 32; col. 8, line 40; col. 8, lines 1-5.

Appellants disagree with the USPTO's submission that Dedrick discloses downloadable code that creates and communicates a session ID as claimed by Appellant. **Appellants' session ID is a data element that may be saved, may expire, and can be communicated to a content management server with a query message. In contrast, the session manager of Dedrick is executable software which "manages a secession or a process." The session ID of claim 26 is simply not taught by the session manager software of Dedrick. Further, the session manager software of Dedrick is resident software that is not created, does not expire, and is not communicated to another computer.**

In summary the session managers in Dedrick are software programs that interface with other computer software components. The session managers of Dedrick are not data elements that can expire, that can be created, or that are communicated to other computers. Thus, Dedrick *DOES NOT* disclose downloading executable code to create a session ID. Further, Dedrick *DOES NOT* disclose a system or software to receive or create, store and send a session ID to a content management server, as recited by claim 26. Thus, the combination of Angles, Gerace, and Dedrick does not teach or suggest the invention of claim 26. Further, there cannot be a reasonable expectation of success when combining the references since none of the cited references, alone or in combination, teach or suggest the features of claim 26. Thus, claim 26 is allowable over the cited references.

Additionally, the USPTO has not provided a legitimate motivation or suggestion for combining the Angeles, Gerace, and Dedrick references. The USPTO suggests relocating the session ID of the server 27 of Gerace into the functionality

of the executable code of Angles and to combine this “combination” with one of the session managers of Dedrick. As the Federal Circuit stated in *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998).

The USPTO has failed to describe reasons why the selected portions of the cited references would be assembled together and has failed to provide technological principles to suggest a coherent combination of the cited references. Since independent claim 26 is allowable, dependent claims 27-31 are likewise allowable. For at least the foregoing reasons, independent claim 26 and dependent claims 26-31 are allowable. Appellant respectfully submits that the rejection of claims 26-31 under 35 U.S.C. § 103 is improper and that claims 26-31 are in condition for allowance.

S. CLAIM 30 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 26, claim 30 provides at least one additional feature not disclosed/suggested in the cited references. Claim 30 recites the plurality of software instructions further comprise, a plurality of instructions that, upon execution by the server computer, cause the server computer to generate an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the content, and a plurality of instructions that, upon execution by the server computer, cause the server computer to store the e-commerce customer record for future reference. None of the cited references teach or suggest the claimed method of generating the e-commerce customer record. The USPTO has stated “One would have been motivated to do this (combine Gerace and Angeles) in order to allow Angeles to send appropriate content, based upon the capabilities or limitations of the client computer.” Again, the USPTO has failed to describe how the parts of the references could be assembled together and what technological principles suggest the combination of the references. Further, the Examiner is expressly prohibited from combining Angles et al., Gerace, and Dedrick in the attempted manner to

render claim 30 obvious. In accordance with the arguments presented above with regard to claim the cited references do not disclose/suggest the elements of Claim 30. For at least these reasons, Claim 30 is allowable over the cited references and should be allowed.

T. CLAIM 31 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 26, claim 31 provides at least one additional feature not disclosed/suggested in the cited references. Claim 31 recites the plurality of software instructions further comprise a plurality of instructions that, upon execution by the server computer, cause the server computer to segment the e-commerce customers into a plurality of segments, a plurality of instructions that, upon execution by the server computer, cause the server computer to associate particular personalized content with each of the plurality of segments of e-commerce customers, and a plurality of instructions that, upon execution by the server computer, cause the server computer to generate the tables with which the table lookup operations are performed based upon the plurality of segments of e-commerce customers and the associated personalized content. In accordance with the arguments presented above with regard to claim 1 the cited references do not disclose/suggest segmenting personalized content and utilizing a look up table as in claim 31. For at least these reasons, claim 31 is allowable over the cited references and should be allowed.

U. CLAIM 32 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 1, claim 32 provides an additional feature wherein a session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer. The USPTO argues “One would be motivated to do this (Combine Angeles, Gerace, Dedrick and Courts) in order to provide further control over tracking user sessions that are relevant and in differentiating different user sessions.” Courts is again distinctly

different that Appellants claimed invention. Courts teaches an enterprise solution (col. 2 lines 45-47) and does not teach downloadable content code which can determine if the session ID is to expire as recited by claim 32. Further, the USPTO has failed to describe how the functional parts of the references could be assembled together and what technological principles suggest the combination of the references. The enterprise solution of Courts would not function as is claimed by Appellant. This rejection is merely an attempt to aggregate references. For the above reasons the combination of features in claim 32 is not disclosed/suggested by any of the cited references. For at least these reasons, claim 32 is allowable over the cited references and should be allowed.

V. CLAIM 33 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claim 10, claim 33 provides an additional feature wherein a session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer. The USPTO argues “One would be motivated to do this (Combine Angeles, Gerace, Dedrick and Courts) in order to provide further control over tracking user sessions that are relevant and in differentiating different user sessions.” Again, Courts is distinctly different from Appellants claimed invention. Courts teaches an enterprise solution (col. 2 lines 45-47) and does not teach downloadable content code which can determine if the session ID is to expire as recited by claim 33. Further, the Examiner has failed to describe how the functional parts of the references could be assembled together and what technological principles suggest the combination of the references. The enterprise solution of Courts (col. 2 lines 45-47) would not function on a customer computer as claimed by Appellant. As stated above the USPTO is expressly prohibited from combining Angeles et al. by aggregating Gerace, Dedrick, and Courts in an attempt to render claim 33 obvious. For the above reasons the combination of features in claim 33 is not disclosed/suggested by any of the cited references. For at least these reasons, claim 33 is allowable over the cited references and should be allowed.

W. CLAIM 34 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claims 17, claim 34 provides an additional feature wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer. The USPTO argues “One would be motivated to do this (Combine Angeles, Gerace, Dedrick and Courts) in order to provide further control over tracking user sessions that are relevant and in differentiating different user sessions.” Courts teaches an enterprise solution (col. 2 lines 45-47) and does not teach downloadable content code which can determine if the session ID is to expire as recited by claim 34. Further, the USPTO has failed to describe how the functional parts of the references could be assembled together and what technological principles suggest the combination of the references. The enterprise solution of Courts (col. 2 lines 45-47) would not function on a customer computer as is claimed by Appellant. As stated above the USPTO is expressly prohibited from combining Angeles et al., Gerace, Dedrick, and Courts in the attempted manner to render claim 34 obvious. The rejection is merely an attempt to aggregate references. For the above reasons the combination of features in claim 34 is not disclosed/suggested by any of the cited references. For at least these reasons, claim 34 is allowable over the cited references and should be allowed.

X. CLAIM 35 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claims 21, claim 35 provides an additional feature wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer. The USPTO argues “One would be motivated to do this (Combine Angeles, Gerace, Dedrick and Courts) in order to provide further control over tracking user sessions that are relevant and in differentiating different user sessions.” Courts teaches an enterprise solution (col. 2 lines 45-47) and does not teach downloadable content code which can determine if the session ID is to expire as recited by claim 35. Further, the USPTO has failed to describe how the functional parts of the

references could be assembled together and what technological principles suggest the combination of the references. The enterprise solution of Courts (col. 2 lines 45-47) would not function on a customer computer as is claimed by Appellant. As stated above the USPTO is expressly prohibited from combining Angles et al., Gerace, Dedrick, and Courts in the attempted manner to render claim 35 obvious. The rejection is merely an attempt to aggregate references. For the above reasons the combination of features in claim 35 is not disclosed/suggested by any of the cited references. For at least these reasons, claim 35 is allowable over the cited references and should be allowed.

Y. CLAIM 36 – IS NOT OBVIOUS BECAUSE ALL OF THE CLAIMED FEATURES ARE NOT FOUND IN THE REFERENCES.

In addition to the arguments above regarding claims 26, claim 36 provides an additional feature wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer. The USPTO argues “One would be motivated to do this (Combine Angeles, Gerace, Dedrick and Courts) in order to provide further control over tracking user sessions that are relevant and in differentiating different user sessions.” Courts teaches an enterprise solution (col. 2 lines 45-47) and does not teach downloadable content code which can determine if the session ID is to expire as recited by claim 36. Further, the USPTO has failed to describe how the functional parts of the references could be assembled together and what technological principles suggest the combination of the references. The enterprise solution of Courts (col. 2 lines 45-47) would not function on a customer computer as is claimed by Appellant. As stated above the USPTO is expressly prohibited from combining Angles et al., Gerace, Dedrick, and Courts in the attempted manner to render claim 36 obvious. The rejection is merely an attempt to aggregate references. For the above reasons the combination of features in claim 36 is not disclosed/suggested by any of the cited references. For at least these reasons, claim 36 is allowable over the cited references and should be allowed.

IX. CLAIMS APPENDIX (37 C.F.R. § 41.37(C)(1)(VIII))

The text of each claim involved in the appeal is as follows:

1. A system for providing personalized content to an e-commerce customer at a customer computer, the system comprising:

a web page stored on a client web server and that is downloadable to the customer computer, the web page comprising:

at least one image to be displayed on the customer computer; and

personalized content delivery code to be executed by the customer computer that causes the customer computer to:

retrieve an identity of the e-commerce customer if saved on the customer computer;

create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer;

retrieve a session ID if saved on the customer computer;

create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired; and

send a query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID;

a content management server that receives the query from a customer computer via a data network;

the content management server identifying personalized content to be displayed to the e-commerce customer on the customer computer, wherein the personalized content is identified based upon the identity of the client and the identity of the e-commerce customer; and

the content management server returning a response to the customer computer via the data network that identifies the personalized content.

2. The system of claim 1, wherein:

the query also includes a secondary identifier that relates to the client; and

the content management server also uses the secondary identifier to identify the personalized content.

3. The system of claim 1, wherein the identity of the personalized content corresponds to an image to be displayed to the e-commerce customer on the customer computer.
4. The system of claim 1, wherein the identity of the personalized content corresponds to an executable file to be executed by the customer computer.
5. The system of claim 1, wherein the content management server identifies the personalized content via a table lookup operation in which the identity of the e-commerce customer serves as an index.
6. The system of claim 1, further comprising a data aggregation server that receives e-commerce customer information corresponding to the query from the content management server, the e-commerce customer information including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content.
7. The system of claim 6, further comprising a personalization/segmentation database coupled to the data aggregation server, the personalization/segmentation database storing e-commerce customer information for a plurality of e-commerce customers.
8. The system of claim 7, further comprising:
 - a content management interface server coupled to the personalization/segmentation database and to the content management server;
 - wherein the content management interface server supports the association of personalized content to segments of e-commerce customers;
 - wherein the content management interface server creates an association of personalized content with the segments of e-commerce customers; and
 - wherein the content management interface server downloads the association of personalized content with the segments of e-commerce customers to the content management server.

9. The system of claim 1, wherein:

the content management server comprises a plurality of separate server computers, each of which services a particular set of queries; and

the system further comprises a load balancing server coupled to the plurality of separate server computers and to the data network, wherein the load balancing server routes queries to the plurality of separate server computers.

10. A method for providing personalized content to an e-commerce customer, the method comprising:

receiving a query from a customer computer via a data network, the query including the identity of a client, the identity of the e-commerce customer, and a session ID, the query produced by personalized content delivery code executed by the customer computer that caused the customer computer to:

retrieve an identity of the e-commerce customer if saved on the customer computer;

create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer;

retrieve a session ID if saved on the customer computer;

create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired; and

send the query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID;

identifying personalized content to be displayed to the e-commerce customer on the customer computer, wherein the personalized content has been identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID; and

returning a response to the customer computer via the data network that identifies the personalized content.

11. The method of claim 10, wherein:

the query also includes a secondary identifier that relates to the client; and

the secondary identifier is also used to identify the personalized content.

12. The method of claim 10, wherein the identity of the personalized content corresponds to an image to be displayed to the e-commerce customer on the customer computer.
13. The method of claim 10, wherein the identity of the personalized content corresponds to an executable file to be executed by the customer computer.
14. The method of claim 10, wherein identifying the personalized content includes performing a lookup operation with which the identity of the e-commerce customer serves as an index.
15. The method of claim 10, further comprising:
 - generating an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content; and
 - storing the e-commerce customer information for future reference.
16. The method of claim 15, further comprising:
 - segmenting the e-commerce customers into a plurality of segments; and
 - associating particular personalized content with each of the plurality of segments of e-commerce customers.

17. A downloadable web page stored on a client web server, the downloadable web page comprising:

- at least one image to be displayed on a customer computer of an e-commerce customer;
- and
- personalized content delivery code to be executed by the customer computer that causes the customer computer to:
 - retrieve an identity of the e-commerce customer if saved on the customer computer;
 - create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer;
 - retrieve a session ID if saved on the customer computer;
 - create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired; and
 - send a query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID.

18. The downloadable web page of claim 17, wherein upon execution, the personalized content delivery code further causes the customer computer:

- receive a response from the content management server that includes the address of personalized content;
- retrieve the personalized content; and
- present the personalized content on the customer computer.

19. The downloadable web page of claim 17, wherein the personalized content comprises an image to be displayed to the e-commerce customer on the customer computer.

20. The downloadable web page of claim 17, wherein the personalized content comprises an executable file to be executed by the customer computer.

21. A content management server that supports personalized content delivery, the content management server comprising:

- a processor;

- memory coupled to the processor;

- a user interface coupled to the processor;

- a network interface coupled to the processor that supports data transmission with a coupled data network; and

- the memory storing executable code that comprises:

- a plurality of instructions that, upon execution by the processor, cause the content management server to receive a query from a customer computer via the data network, the query including the identity of a client, the identity of the e-commerce customer, and a session ID, the query produced by personalized content delivery code executed by the customer computer that caused the customer computer to:

- retrieve an identity of the e-commerce customer if saved on the customer computer;

- create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer;

- retrieve a session ID if saved on the customer computer;

- create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired; and

- send the query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID;

- a plurality of instructions that, upon execution by the processor, cause the content management server to identify personalized content to be displayed to an e-commerce customer on the customer computer, wherein the personalized content has been identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID; and

- a plurality of instructions that, upon execution by the processor, cause the content management server to return a response to the customer computer via the data network that identifies the personalized content.

22. The content management server of claim 21, wherein:
the query also includes a secondary identifier that relates to the client; and
the secondary identifier is also used to identify the personalized content.
23. The content management server of claim 21, wherein the personalized content comprises an image to be displayed to the e-commerce customer on the customer computer.
24. The content management server of claim 21, wherein the personalized content comprises an executable file to be executed by the customer computer.
25. The content management server of claim 21, wherein the executable code further comprises:
a plurality of instructions that, upon execution by the processor, cause the content management server to generate an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the personalized content;
and
a plurality of instructions that, upon execution by the processor, cause the content management server to store the e-commerce customer record for future reference.
26. A computer readable medium that stores executable code that, when executed by a server computer, causes the server computer to provide personalized content to an e-commerce customer, the executable code comprising:
a plurality of instructions that, upon execution by the server computer, cause the server computer to receive a query from a customer computer via a data network, the query including the identity of a client, the identity of the e-commerce customer, and a session ID, the query produced by personalized content delivery code executed by the customer computer that caused the customer computer to:
retrieve an identity of the e-commerce customer if saved on the customer computer;
create an identity of the e-commerce customer if the identity of the e-commerce customer is not saved on the customer computer;
retrieve a session ID if saved on the customer computer;

create a session ID if the session ID is not saved on the customer computer or if the session ID that is saved on the customer computer is expired; and
send the query to a content management server that includes the identity of the client, the identity of the e-commerce customer, and the session ID;
a plurality of instructions that, upon execution by the server computer, cause the server computer to identify personalized content to be displayed to an e-commerce customer on the customer computer, wherein the personalized content is identified based upon the identity of the client, the identity of the e-commerce customer, and the session ID; and
a plurality of instructions that, upon execution by the server computer, cause the server computer to return a response to the customer computer via the data network that identifies the personalized content.

27. The computer readable medium of claim 26, wherein:

the query also includes a secondary identifier that relates to the client; and
the secondary identifier is also used to identify the personalized content.

28. The computer readable medium of claim 26, wherein the personalized content comprises an image to be displayed to the e-commerce customer on the customer computer.

29. The computer readable medium of claim 26, wherein the personalized content comprises an executable file to be executed by the customer computer.

30. The computer readable medium of claim 26, wherein the plurality of software instructions further comprise:

a plurality of instructions that, upon execution by the server computer, cause the server computer to generate an e-commerce customer record based upon the query, the e-commerce customer record including the identity of the client, the identity of the e-commerce customer and the identity of the content; and
a plurality of instructions that, upon execution by the server computer, cause the server computer to store the e-commerce customer record for future reference.

31. The computer readable medium of claim 30, wherein the plurality of software instructions further comprise:

a plurality of instructions that, upon execution by the server computer, cause the server computer to segment the e-commerce customers into a plurality of segments;

a plurality of instructions that, upon execution by the server computer, cause the server computer to associate particular personalized content with each of the plurality of segments of e-commerce customers; and

a plurality of instructions that, upon execution by the server computer, cause the server computer to generate the tables with which the table lookup operations are performed based upon the plurality of segments of e-commerce customers and the associated personalized content.

32. The system of claim 1, wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer.

33. The method of claim 10, wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer.

34. The downloadable web page of claim 17, wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer.

35. The content management server of claim 21, wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer.

36. The computer readable medium of claim 26, wherein the session ID is deemed expired when it is no longer relevant to current browsing activity of the customer computer.

X. EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix))

(N/A)

XI. RELATED PROCEEDINGS APPENDIX (37 C.F.R. § 41.37(c)(1)(x))

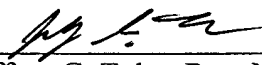
(N/A)

XII. CONCLUSIONS

For the above reasons all pending claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney at the address indicated. For the reasons given above, Appellant respectfully requests reconsideration and allowance of all claims and that this patent application be passed to issue.

Respectfully submitted,

11-16-2007
Date



Jeffrey G. Toler; Reg. No. 38,342
Attorney for Applicant(s)
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)